

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office APR 25 2003

Returned to applicant for correction _____

Corrected application filed _____

Map filed SEP 29 1978 under 35752

The applicant **Somerset Development Company, Ltd.** hereby makes application for permission to change the **Point of Diversion and Place of Use** of a portion of water heretofore appropriated under **Claims 294, 303/404 and 394** of the **Truckee River Decree**, said Decree entered by the **District Court of The United States for Nevada** in that certain action entitled "**The United States of America, Plaintiff, vs. Orr Water Ditch Company, et al., Defendants**", on Equity Docket A-3

1. The source of water is **Truckee River**
2. The amount of water to be changed **Claim 294 – 0.56af, Claim 303/404 – 1.68af, Claim 394 – 1.60af; along with a pro-rata share of the diversion rate.**
3. The water to be used for as **Decreed**
4. The water heretofore permitted for as **Decreed**
5. The water is to be diverted at the following point within the **SW¼ of the SW¼ of Sec. 14, T19N, R18E, MDB&M** from which the SW corner of said Section 14 bears South 58°30' West a distance of 1400 feet. Map filed with Permit No. 35752
6. The existing permitted point of diversion is located within **See Exhibit "C"**
7. Proposed place of use **Portions of the following sections: S½ of Sec. 1, Sec. 2, Sec. 3, Sec. 10, Sec. 11, Sec. 12 and N½ of NE¼ of Sec. 13, T19N, R18E, MDB&M and the SE¼ of the SE¼ Sec. 35, T20N, R18E, MDB&M. See map associated with change application number 66535.**
8. Existing place of use **Claim 294 – 0.14 acre in the SW¼ NW¼ of Section 1, T19N, R19E, MDB&M, TR map 096 Parcel No. 008-012-05. Claim 303/404 – 0.42 acre in the NW¼ NW¼ of Section 6, T19N, R20E, MDB&M, TR map 087 Parcel No. 004-340-34. Claim 394 – 0.40 acre in the SW¼ SE¼ of Section 6, T19N, R20E, MDB&M TR map 088 Parcel No. 031-292-50.**
9. Use will be from **As Decreed to As Decreed** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works **Water will be diverted by existing motor pump, still well system and pipeline to place of use.**
12. Estimated cost of works **Completed**
13. Estimated time required to construct works **Completed**
14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks: For use in irrigation on golf course and landscaping. Reference Temporary Permit No. 69097-T.

By s/Michael D. Buschelman
Michael D. Buschelman
Post Office Box 51371
Sparks, Nevada 89435

Compared sg/cmf 1t/

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of the Truckee River as heretofore granted under Claims 294, 303/404, and 394, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is limited to the irrigation of 0.96 acres within the described place of use and not to exceed an annual duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources. The period of use is as decreed.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.032 cubic feet per second, but not to exceed 3.84 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 9, 2006

Proof of completion of work shall be filed on or before:

April 9, 2006

Water must be placed to beneficial use on or before:

March 9, 2010

Proof of the application of water to beneficial use shall be filed on or before:

April 9, 2010

Map in support of proof of beneficial use shall be filed on or before:

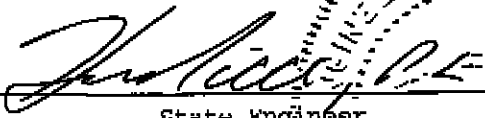
April 9, 2010

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office

this 9th day of March A.D. 2005.


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

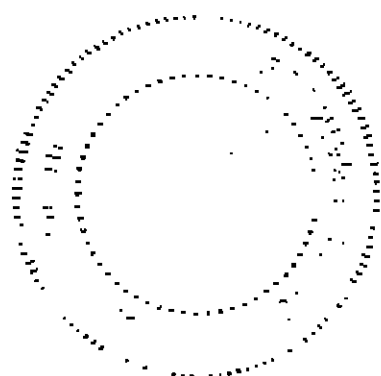


Exhibit "C"

Orr Ditch & Extension
Claim 294 and 303

The NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, T19N, R19E MDB&M, or at a point from which the Northwest corner of Section 20, T19N, R19E MDB&M bears South 44° 40' West a distance of 3,211 feet. Per Orr Ditch Decree.

English Mill Ditch
Claim 394

The ^{NW}SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section ¹⁰6, T19N, R19E MDB&M, or at a point from which the Northwest corner of Section 14, T19N, R19E MDB&M bears South 61° 02' East a distance of 2,595 feet. Per Orr Ditch Decree.

Sullivan and Kelly Ditch
Claim 404

The NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M, or at a point from which the Northwest corner of Section 14, T19N, R19E, MDB&M, bears South 60° 00' West a distance of 3,201 feet. Per Orr Ditch Decree.

